

TOWN OF NORTHFIELD, VERMONT
BOARD OF SELECTMEN
Minutes of January 27, 2015

- I. **ROLL CALL.** Select Board Chair John Quinn III, Selectmen Kevin T. Beal, Brad Denny, Dennis Donahue (absent), Lynn Doney, Matthew Gadbois, Kenneth W. Goslant, K. David Maxwell, and James R. Wilson. Also present were Town Manager Jeffrey Schulz, Acting Clerk Kenneth McCann, Utility Superintendent Patrick DeMasi, John Cruickshank (DeWitt Clinton Masonic Temple), John Kiernan (Phelps Engineering), Brandon Streicher (Phelps Engineering), and Kathleen Lott (*Northfield News*).

Chair Quinn called the meeting to order at 7:06 p.m.

- II. **PLEDGE OF ALLEGIANCE.** The Board members and the public were asked to rise and recite the Pledge of Allegiance.
- III. **SET/ADJUST AGENDA.** Manager Schulz stated that due to the current snowstorm, Road Foreman Ray Hudson will not be making his scheduled report tonight. He also confirmed that an executive session would be held to discuss legal matters.
- IV. **PUBLIC PARTICIPATION (SCHEDULED):**

- a. **John Cruickshank, DeWitt Clinton Masonic Temple: Partial Property Tax Exemption Article.** Mr. Cruickshank said that although he is primarily known as the owner/publisher of the *Northfield News*, he is here tonight as the current Master of the DeWitt Clinton Masonic Temple. He stated that the local lodge was incorporated in 1849 and is the fifteenth oldest in Vermont. The lodge was located upstairs in the Mayo Building until its current home was built on South Main Street in 1956. The structure had been property tax exempt for most of its history until about twenty (20) years ago when the lodge charged rent to a church group to hold meetings there. That led the local government to remove the property tax exemption and since then the lodge has been required to seek approval from Northfield voters every third year for a partial exemption. This year, the DeWitt Clinton Masonic Temple members circulated a petition in order to be placed on the 2015 Town Meeting Warning. The petition was turned into the Town Clerk's Office by the deadline (01/20/15) with a sufficient number of signatures so the request for the partial tax exemption (40%) from local property taxes will be on the warning. However, Mr. Cruickshank is asking the Select Board that the article be voted upon during the Town Meeting's open session rather than by Australian Ballot. He and the other lodge members feel that the article would have a better chance of passing at the open session when he and others would be able to explain at that time of voting why the exemption is merited due to the number of charitable causes sponsored with the lodge, the fact that it allows other local non-profit groups to use the facility free of charge, etc. He added that this is an aging building and the lodge members would like to use the funds saved by the partial exemption to address several concerns, including replacing the windows, making the building more energy efficient, etc. Mr. Cruickshank fears that if the DeWitt Clinton Masonic Temple does not obtain this partial exemption this year, there is a possibility that it will need to close its doors and/or relocate to another town.

Selectman Goslant asked if the DeWitt Clinton Masonic Temple had the partial property tax exemption status at this time. Mr. Cruickshank said that it did not. The most recent exemption expired on June 30, 2012. The request to renew this exemption for another three (3) years was on the March 2012 Town Meeting Warning as an Australian Ballot article but was defeated by the voters [434-575].

Selectman Beal asked if there was a general policy whether such an article should be voted by Australian Ballot or from the floor. Manager Schulz stated that there was not; this is totally the Select Board's decision. Chair Quinn noted that in recent years the state law regarding Annual Town Meetings was changed so that Australian Ballot articles can be discussed (but not voted upon) during the open meeting. He would like to keep this as an Australian Ballot article so that Northfield residents who are unable to attend the morning session will be able to vote on it.

Motion by Selectman Wilson, seconded by Selectman Gadbois, to have the DeWitt Clinton Masonic Temple's request for a forty percent (40%) local property tax exemption voted upon during the open session of the 2015 Northfield Town Meeting.

Selectman Beal shares the view of Chair Quinn that the article should remain Australian Ballot so that those who cannot attend Town Meeting will not be disenfranchised on this matter. He added that all the other requests on the warning for support from regional non-profit organizations will be voted upon by Australian Ballot.

Motion failed 2-6-0, with Selectmen Beal, Denny, Doney, Goslant, Maxwell, and Quinn voting in the negative.

- b. **John Kiernan and Brandon Streicher, Phelps Engineering: Central and King Street Water Projects.** Mr. Kiernan stated that the bid proposals for the construction phase of the Central Street Water Main Replacement Project were opened last Thursday afternoon (01/22/15). Eleven (11) bids were received and the apparent low bidder is Courtland Construction (Milton, VT) at \$805,999.25. This is considerably less than the \$950,000 project cost that was estimated by Phelps Engineering. The next two (2) lowest bids are \$897,423 (DuBois Construction) and \$899,598 (Herbert Excavation Corporation). Mr. Kiernan and Mr. Streicher have worked with Courtland Construction on other projects and have no doubts that they can perform the work in a capable and timely manner. Mr. Kiernan and Mr. Streicher recommend that the Select Board authorize Manager Schulz to send a letter to the Vermont Agency of Natural Resources indicating Northfield's intention to hire Courtland Construction for this project. If there is no objection, the formal bid award will be finalized and signed. There would be a project engineer on site throughout the construction phase to oversee the work.

Selectman Denny asked if Courtland Construction had done a water project of this scale before. Mr. Kiernan stated that this is a smaller company that is trying to expand by taking on larger and larger projects. While he cannot say for certain that Courtland Construction has worked before on a water project this size, they did work recently on a sewer line installation project on Water Street in Montpelier that was of similar scope.

Selectman Doney noted the difference between Phelps Engineering's estimated cost for this project and Courtland Construction's bid amount; he asked if there was complete confidence that they could complete this project. Mr. Kiernan said that he had no concerns. He added that with such a large pool of bidders, there usually are one or two that are noticeably below the median bid amount. As indicated before, Phelps Engineering will be monitoring their performance all through the project on the Town's behalf to ensure that everything is done correctly. Phelps Engineering would provide monthly progress reports in conjunction with Courtland Construction's billing requests.

Motion by Selectman Maxwell, seconded by Selectman Gadbois, to authorize Manager Schulz to award the construction bid to Courtland Construction for the Central Street Water main replacement project (contingent on the approval of the funding agent). **Motion passed 8-0-0.**

Regarding the King Street Water Main Replacement Project, Mr. Kiernan stated that Phelps Engineering is ready to advertise for bids for the construction phase. In light of the favorable bid results for the Central Street project, he would like to do this as soon as possible in hopes of receiving a similar result. Mr. Kiernan is asking that the Select Board now approve an Engineering Services Agreement with Phelps Engineering in the amount of \$94,398. On their proposal, this is broken down into Bid Phase services (\$8,847); Construction Administration (\$29,328); Construction Observation with Resident Project Representation (\$49,980); and Special Services (\$6,243).

Motion by Selectman Denny, seconded by Selectman Goslant, to approve the Engineering Services Agreement with Phelps Engineering for the King Street Water Main Replacement Project in the amount of \$94,398. **Motion passed 8-0-0.**

V. APPROVAL OF MINUTES

- a. **December 18, 2014 (Budget Meeting).** Motion by Selectman Beal, seconded by Denny, to approve the minutes. **Motion passed 7-0-1, with Selectman Gadbois abstaining.**
- b. **January 6, 2015 (Budget Meeting).** Motion by Selectman Denny, seconded by Selectman Beal, to approve the minutes. **Motion passed 7-0-1, with Selectman Maxwell abstaining.**
- c. **January 13, 2015 (Regular Meeting).** Motion by Selectman Maxwell, seconded by Selectman Wilson, to approve the minutes. **Motion passed 7-0-1, with Selectman Beal abstaining.**

VI. APPROVAL OF BILLS

- a. **Warrant #15-15.** Motion by Selectman Beal, seconded by Selectman Wilson, to approve Warrant #15-15 in the amount of \$166,623.61. Selectman Goslant noted another purchase of Police Department jackets, shirts, etc. on the warrant; this seems to be a regular occurrence. Manager Schulz stated that a new part-time officer was recently hired. Chair Quinn would like to see old equipment reused as much as possible. Selectman Gadbois would like to thank the person who worked on the grant application that resulted in the Fire Department and Ambulance Service receiving about \$12,000 for new radios, etc. **Motion passed 8-0-0.**
- b. **Approval of Bi-Weekly Payroll through January 18, 2015.** Motion by Selectman Denny, seconded by Selectman Maxwell, to approve the bi-weekly payroll in the amount of \$83,754.05. **Motion passed 8-0-0.**

VII. LIQUOR CONTROL COMMISSION

a. Liquor License Renewal Applications

1. **Falls General Store.** Motion by Selectman Maxwell, seconded by Selectman Wilson, to approve the liquor license renewal application. **Motion passed 8-0-0.**
2. **South Village Mobil.** Motion by Selectman Maxwell, seconded by Selectman Wilson, to approve the liquor license renewal application. **Motion passed 8-0-0.**

VIII. SELECT BOARD

- a. **Approval of 2015 Town Meeting Warning.** Manager Schulz stated that on the DRAFT warning included in the Select Board packets there had been an article that sought the voters' authorization for Northfield to end its membership in the Mad River Resource Management Alliance (MRRMA) in order to join another (unnamed) solid waste management group. This action had been recommended by the Select Board during the budget sessions given that MRRMA has announced that Northfield's per capita would double in 2015 from \$2.00 to \$4.00. This increase is largely due to the closing of the Moretown Landfill, which had generated the bulk of MRRMA's operating expenses. Manager Schulz has been in contact with the Tri-Town Alliance (Braintree, Brookfield, and Randolph) to see if Northfield could join that organization. However, he has not yet received confirmation from the Tri-Town Alliance that Northfield would be able to become a member. The other option is for Northfield to form its own solid waste management district. In light of this, Manager Schulz asked if the Select Board would like this matter removed from the warning and decided at a future Special Town Meeting. Selectman Denny stated that this matter has been in discussion for some time and he would like to go forward with seeking voter authorization to leave MRRMA in order to join a less expensive solid waste management district. After further discussion, the consensus of the Select Board was to leave this article on the warning but remove the section regarding which solid waste management district Northfield would become a member after leaving MRRMA. This would be decided at a later time.

Manager Schulz stated that another article that had been under discussion was the one seeking voter authorization for the Select Board to enter into Tax Stabilization Agreements. This article had been voted upon at the November 4, 2014 Special Town Meeting and although it received a majority vote, it did fall just short (62.6%) of the two-thirds vote required. There was the suggestion that the article wording be rewritten to be less confusing and with less legalese. However, even though Manager Schulz has been working on this, he could not come up with alternate wording that would pass legal muster. Therefore, he recommends leaving it as is. He added that there will be a submission in the 2015 Town Report from the Economic Development Committee that will include an explanation of the article and the potential benefits to Northfield should the article pass this time. Selectman Denny agreed with Selectman Beal that the current wording is confusing but he did not want to take the risk that changing it could open the Town up to a legal challenge at a later time. The Select Board consensus was to retain the original article wording. Motion by Selectman Maxwell, seconded by Selectman Beal, to approve and sign the 2015 Town Meeting Warning as amended. **Motion passed 8-0-0.**

- b. **Abatement of Electric Utility Bill.** It had been the Select Board's original intention to discuss this matter in executive session. However, Kathleen Lott noted that it had been the standard practice of the Village Trustees to discuss and decide on utility abatements in open session. Selectman Maxwell confirmed that this had been the case. Despite some concerns expressed regarding customer privacy, the consensus of the Select Board was to proceed on this matter outside of executive session.

Manager Schulz explained that a Northfield Electric Department (NED) customer had asked for a line extension on his property. Green Mountain Power (GMP), with whom NED has a contract to perform such services, provided a work estimate to the customer of \$7,640.98, which included a \$1,895.02 contingency fee. The customer paid this amount to NED but after the work was completed GMP invoiced NED in the amount of \$11,935. The extra expense was attributed to a miscalculation of the amount of power line and labor needed to complete the project. After NED removed the cost of the new transformer (\$351) as an operating expense and adjusting the remainder to the NED tariff using 2011 rates, the bill came down to \$9,275.28. This still is \$1,634.30 more than the amount the customer prepaid NED. The customer does not accept any responsibility for the cost overrun since a contingency fee was paid to prevent this. Manager Schulz believes that this should be a Select Board decision on whether NED should require additional payment from the customer or if it should be waived. He has contacted GMP, which is refusing to adhere to the original estimate amount.

Selectman Wilson, who is a member of the Electric Utility Board, noted that the Utility Commissioners are holding a joint meeting next Monday evening (02/02/15). He felt that it might be a good idea for the Electric Utility Board to review this matter and provide a recommendation to the Select Board. Selectman Denny agreed with this suggestion. However, he personally felt that a work quote with a contingency fee should be considered binding. He also felt that other NED customers should not be held responsible for the cost overrun. Selectman Beal agreed that it is GMP's fault that it made such an inadequate estimate. He felt that GMP should waive the extra expense since it was their error. After further discussion, it was the consensus of the Select Board that this matter be referred to the Electric Utility Board for its recommendation. The customer will be contacted and invited to attend.

- c. **Executive Summary: Certificate of Town Highway Mileage.** Manager Schulz explained that each year the Vermont Agency of Transportation (AOT) requests each municipality to confirm whether its highway mileage has increased, decreased, or remained the same during the previous calendar year. State highway aid then is calculated and distributed to municipalities on a per mile, per road class basis. Manager Schulz noted that the only change in Town Highway mileage in 2014 was due to Village roads becoming Town roads after the effective date of merger (07/01/14). Motion by Selectman Beal, seconded by Selectman Denny, to approve and sign the Certificate of Town Highway Mileage. **Motion passed 8-0-0.**
- d. **Economic Development Committee Meeting.** Chair Quinn stated that the Committee would hold its next meeting on Wednesday, January 28, 2015 at 6:00 p.m. in the Municipal Building. All are welcome to attend. *(Note: the following afternoon, due to concerns that there would not be a quorum present, this meeting was postponed until **Wednesday, February 4, 2015**. The meeting time and location remained the same.)*
- e. **Public Hearing (Whetstone Drive): Tuesday, February 10, 2015, 7:00 p.m.** Manager Schulz stated that Cabot Hosiery has requested that the Town turn over a portion of the road to them so that it can be incorporated into their facility expansion plans. The length of road to be privatized still needs to be determined. If this is done in time so that the public hearing can be properly warned, it will be held prior to the next regular meeting.

IX. BOARD MEMBERS' COMMENTS, CONCERNS, QUESTIONS

- a. **Expanded Depot Square Two-Hour Weekday Parking Restrictions.** Selectman Goslant asked when the new weekday parking restrictions around the interior island would be enforced. Manager Schulz will check with Road Foreman Hudson on this. It was suggested that Mr. Hudson may be waiting until spring to install the new signage.

X. TOWN MANAGER'S REPORT. Manager Schulz had nothing to add at this time.

XI. PUBLIC PARTICIPATION (UNSCHEDULED). There was none.

XII. EXECUTIVE SESSION. Motion by Selectman Wilson, seconded by Selectman Donahue, to go into executive session, in accordance with 1 VSA 313 (a)(1), in order to discuss one or more legal matters with Manager Schulz present. **Motion passed 8-0-0.**

The Board went into executive session at 8:53 p.m.

Motion by Selectman Beal, seconded by Selectman Goslant, to come out of executive session. **Motion passed 8-0-0.**

The Board came out of executive session at 9:20 p.m. No action was taken.

XIII. ADJOURNMENT. Motion by Selectman Gadbois, seconded by Selectman Maxwell, to adjourn. **Motion passed 8-0-0.**

The meeting adjourned at 9:21 p.m.

Respectfully submitted,

Kenneth L. McCann

Kenneth L. McCann, Acting Clerk

An audio recording of this meeting is available in the Town Manager's Office.

These minutes were amended and approved at the regular Select Board meeting of February 10, 2015.